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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/897,293	07/21/97	RUSS	4713-24

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LM61/0203

EXAMINER
CRECCA, M

ART UNIT
2763

PAPER NUMBER

2

DATE MAILED:

02/03/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action SummaryApplication No.
08/897,293Applicant(s)
A.J. RossExaminer
Michele S. CreccaGroup Art Unit
2765☒ Responsive to communication(s) filed on Jul 21, 1997☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.☒ Claim(s) 1-4, 6-11, 13, and 14 is/are rejected.☒ Claim(s) 5 and 12 is/are objected to.☐ Claims _____ are subject to restriction or election requirement.**Application Papers**☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. (SUBSTITUTE)☒ The drawing(s) filed on Jul 21, 1997 is/are objected to by the Examiner.☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.☒ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.☐ received in Application No. (Series Code/Serial Number) _____☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____☐ Interview Summary, PTO-413☒ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference sign "6" on page 6 of the specification is not on Figure 1. Further, the specification also refers to "6" as both the "peripherals" and the "memory", both of which are referenced by different signs on the drawings themselves. Correction is required.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 1, reference signs "2" and "8" are missing from the specification. Figure 2, reference signs 10, 60, and 70 are missing from the specification. Correction is required.
4. The drawings are objected to because Figure 3, column F contains the phrase "8 TANS" which is not defined in the specification and is unknown to the examiner. Please clarify the meaning of the phrase or delete it from the figure.

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Specification

5. The disclosure is objected to because of the following informalities: on page 6 of the specification, lines 14-15, the "memory" of the system is referenced as "8" on one line and "6" on another.

The disclosure is objected to because it contains, on page 15, line 13, the phrase "life insurance trust". The examiner has found that "life insurance trust" is used in estate planning to denote an arrangement whereby life insurance is placed in a trust in order to exclude the proceeds of the life insurance from the sum total of the estate and reduce the amount of estate taxes owed by the estate (see references "U" and "V" on PTO-892). Since the applicant's invention differs from the above known definition, the examiner requests that all occurrences of the phrase "life insurance trust" be changed in the specification or clarification provided to the examiner.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-4, 6-11, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Halley et al. (4,750,121).

Claim 1: Halley et al. teaches a “method of distributing proceeds from a financial vehicle to participants thereof, wherein the proceeds come from an insurance policy” (abstract and col. 2, lines 7-8) comprising:

“(a) enrolling a participant in the vehicle, wherein said participant owns at least one insurance policy...” (claim 1, col. 7, lines 58-64);

“(b) assigning said policy to the vehicle; and © receiving and applying the proceeds from the policy...upon the occurrence of the event”(claim 1, col. 7, lines 65-68 with the “occurrence” meaning “death”);

“(d) distributing the proceeds from the vehicle to a participant ...”(claim 1, col. 8, lines 8-11).

Claim 2: “...vehicle is a trust” (figure 1 “master trust institution” and claim 1, col. 7, line 51).

Claim 3: “...proceeds are death benefits” (claim 1, col. 7, lines 65-68).

Claim 4: “...said insurance policy is a life insurance policy” (claim 1, col. 7, lines 58-64).

Claims 6 and 7: “...the event occurrence is certain...said event occurrence is death” (col. 2, lines 4-5).

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Claims 8-11 and 113-14 are claiming the system needed to perform the method rejected in claims 1-4 and 6-7 and are therefor rejected based on the arguments stated above.

Allowable Subject Matter

8. Claims 5 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A second U. S. patent by Halley et al. (4,969,094) is provided to the applicant due to its related subject-matter. In addition, U.S. patent by Hackel et al. (5,806,047) is included for interest.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Crecca whose telephone number is (703) 305-0438. The examiner can normally be reached Monday-Friday from 7:30 AM to 4:00 PM.

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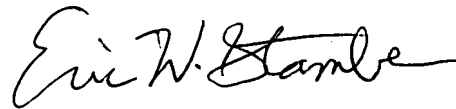
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

MSC

January 26, 1999

A handwritten signature in black ink, reading "Eric W. Stamber". The signature is fluid and cursive, with the first name "Eric" and last name "Stamber" clearly legible.

**ERIC W. STAMBER
PRIMARY EXAMINER**